

Senate Study Bill 1279

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1102XG 81
5 jm/sh/8

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1 1 JUSTICE SYSTEM
1 2 Section 1. DEPARTMENT OF JUSTICE.
1 3 1. There is appropriated from the general fund of the
1 4 state to the department of justice for the fiscal year
1 5 beginning July 1, 2005, and ending June 30, 2006, the
1 6 following amounts, or so much thereof as is necessary, to be
1 7 used for the purposes designated:
1 8 a. For the general office of attorney general for
1 9 salaries, support, maintenance, miscellaneous purposes
1 10 including the prosecuting attorneys training program, office
1 11 of drug control policy (ODCP) prosecuting attorney program,
1 12 and odometer fraud enforcement:
1 13 \$ 7,849,280
1 14 As a condition of receiving the appropriation provided in
1 15 this lettered paragraph, the department of justice shall
1 16 maintain a record of the estimated time incurred representing
1 17 each agency or department.
1 18 b. For victim assistance grants:
1 19 \$ 5,000
1 20 The funds appropriated in this lettered paragraph shall be
1 21 used to provide grants to care providers providing services to
1 22 crime victims of domestic abuse or to crime victims of rape
1 23 and sexual assault.
1 24 2. a. In addition to the funds appropriated in subsection
1 25 1, there is appropriated from the general fund of the state to
1 26 the department of justice for the fiscal year beginning July
1 27 1, 2005, and ending June 30, 2006, an amount not exceeding
1 28 \$200,000 to be used for the enforcement of the Iowa
1 29 competition law. The funds appropriated in this subsection
1 30 are contingent upon receipt by the general fund of the state
1 31 of an amount at least equal to the expenditure amount from
1 32 either damages awarded to the state or a political subdivision
1 33 of the state by a civil judgment under chapter 553, if the
1 34 judgment authorizes the use of the award for enforcement
1 35 purposes or costs or attorneys fees awarded the state in state
2 1 or federal antitrust actions. However, if the amounts
2 2 received as a result of these judgments are in excess of
2 3 \$200,000, the excess amounts shall not be appropriated to the
2 4 department of justice pursuant to this paragraph. The
2 5 department of justice shall report the department's actual
2 6 costs and an estimate of the time incurred enforcing the
2 7 competition law, to the cochairpersons and ranking members of
2 8 the joint appropriations subcommittee on the justice system,
2 9 and to the legislative services agency by November 15, 2004.
2 10 b. In addition to the funds appropriated in subsection 1,
2 11 there is appropriated from the general fund of the state to
2 12 the department of justice for the fiscal year beginning July
2 13 1, 2005, and ending June 30, 2006, an amount not exceeding
2 14 \$593,000 to be used for legal services for persons in poverty
2 15 grants as provided in section 13.34, and an amount not
2 16 exceeding \$95,000 for legal services related to the department
2 17 of elder affairs legal hotline. The funds appropriated in

2 18 this subsection are contingent upon receipt by the general
2 19 fund of the state of an amount at least equal to the
2 20 expenditure amount from costs or attorney fees awarded the
2 21 state in settlement of its antitrust action against Microsoft
2 22 brought under chapter 553. However, if the amounts received
2 23 as a result of this settlement are in excess of \$688,000, the
2 24 excess amounts shall not be appropriated to the department of
2 25 justice pursuant to this paragraph.

2 26 3. In addition to the funds appropriated in subsection 1,
2 27 there is appropriated from the general fund of the state to
2 28 the department of justice for the fiscal year beginning July
2 29 1, 2005, and ending June 30, 2006, an amount not exceeding
2 30 \$1,125,000 to be used for public education relating to
2 31 consumer fraud and for enforcement of section 714.16, and an
2 32 amount not exceeding \$75,000 for investigation, prosecution,
2 33 and consumer education relating to consumer and criminal fraud
2 34 against older Iowans. The funds appropriated in this
2 35 subsection are contingent upon receipt by the general fund of
3 1 the state of an amount at least equal to the expenditure
3 2 amount from damages awarded to the state or a political
3 3 subdivision of the state by a civil consumer fraud judgment or
3 4 settlement, if the judgment or settlement authorizes the use
3 5 of the award for public education on consumer fraud. However,
3 6 if the funds received as a result of these judgments and
3 7 settlements are in excess of \$1,200,000, the excess funds
3 8 shall not be appropriated to the department of justice
3 9 pursuant to this subsection. The department of justice shall
3 10 report to the cochairpersons and ranking members of the joint
3 11 appropriations subcommittee on the justice system, and to the
3 12 legislative services agency by November 15, 2005, the
3 13 department's actual costs and an estimate of the time incurred
3 14 in providing education pursuant to and enforcing this
3 15 subsection.

3 16 4. The balance of the victim compensation fund established
3 17 in section 915.94 may be used to provide salary and support of
3 18 not more than 22 FTEs and to provide maintenance for the
3 19 victim compensation functions of the department of justice.

3 20 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
3 21 INVESTIGATION AND PROSECUTION == FUNDING. There is
3 22 appropriated from the environmental crime fund of the
3 23 department of justice, consisting of court-ordered fines and
3 24 penalties awarded to the department arising out of the
3 25 prosecution of environmental crimes, to the department of
3 26 justice for the fiscal year beginning July 1, 2005, and ending
3 27 June 30, 2006, an amount not exceeding \$20,000 to be used by
3 28 the department, at the discretion of the attorney general, for
3 29 the investigation and prosecution of environmental crimes,
3 30 including the reimbursement of expenses incurred by county,
3 31 municipal, and other local governmental agencies cooperating
3 32 with the department in the investigation and prosecution of
3 33 environmental crimes.

3 34 The funds appropriated in this section are contingent upon
3 35 receipt by the environmental crime fund of the department of
4 1 justice of an amount at least equal to the appropriations made
4 2 in this section and received from contributions, court-ordered
4 3 restitution as part of judgments in criminal cases, and
4 4 consent decrees entered into as part of civil or regulatory
4 5 enforcement actions. However, if the funds received during
4 6 the fiscal year are in excess of \$20,000, the excess funds
4 7 shall be deposited in the general fund of the state.

4 8 Notwithstanding section 8.33, moneys appropriated in this
4 9 section that remain unencumbered or unobligated at the close
4 10 of the fiscal year shall not revert but shall remain available
4 11 for expenditure for the purpose designated until the close of
4 12 the succeeding fiscal year.

4 13 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
4 14 appropriated from the general fund of the state to the office
4 15 of consumer advocate of the department of justice for the
4 16 fiscal year beginning July 1, 2005, and ending June 30, 2006,
4 17 the following amount, or so much thereof as is necessary, to
4 18 be used for the purposes designated:

4 19 For salaries, support, maintenance, and miscellaneous
4 20 purposes:

4 21 \$ 2,810,442

4 22 Sec. 4. DEPARTMENT OF CORRECTIONS. There is appropriated
4 23 from the general fund of the state to the department of
4 24 corrections for the fiscal year beginning July 1, 2005, and
4 25 ending June 30, 2006, the following amounts, or so much
4 26 thereof as is necessary, to be used for the purposes
4 27 designated:

4 28 For the operation of adult correctional institutions,

4 29 reimbursement of counties for certain confinement costs,
4 30 federal prison reimbursement, general administration including
4 31 educational programs for inmates, the Iowa corrections
4 32 offender network (ICON) data system, and the judicial district
4 33 departments of correctional services, to be allocated as
4 34 follows:

4 35 1. For the operation of the Fort Madison correctional
5 1 facility, including salaries, support, maintenance, and
5 2 miscellaneous purposes:
5 3 \$ 38,923,261

5 4 2. For the operation of the Anamosa correctional facility,
5 5 including salaries, support, maintenance, and miscellaneous
5 6 purposes:
5 7 \$ 27,257,452

5 8 Moneys are provided within this subsection for one full=
5 9 time substance abuse counselor for the Luster Heights
5 10 facility, for the purpose of certification of a substance
5 11 abuse program at that facility.

5 12 3. For the operation of the Oakdale correctional facility,
5 13 including salaries, support, maintenance, and miscellaneous
5 14 purposes:
5 15 \$ 25,730,278

5 16 4. For the operation of the Newton correctional facility,
5 17 including salaries, support, maintenance, and miscellaneous
5 18 purposes:
5 19 \$ 25,073,632

5 20 5. For the operation of the Mt. Pleasant correctional
5 21 facility, including salaries, support, maintenance, and
5 22 miscellaneous purposes:
5 23 \$ 23,003,340

5 24 6. For the operation of the Rockwell City correctional
5 25 facility, including salaries, support, maintenance, and
5 26 miscellaneous purposes:
5 27 \$ 8,096,378

5 28 7. For the operation of the Clarinda correctional
5 29 facility, including salaries, support, maintenance, and
5 30 miscellaneous purposes:
5 31 \$ 22,904,497

5 32 Moneys received by the department of corrections as
5 33 reimbursement for services provided to the Clarinda youth
5 34 corporation are appropriated to the department and shall be
5 35 used for the purpose of operating the Clarinda correctional
6 1 facility.

6 2 8. For the operation of the Mitchellville correctional
6 3 facility, including salaries, support, maintenance, and
6 4 miscellaneous purposes:
6 5 \$ 14,002,603

6 6 9. For the operation of the Fort Dodge correctional
6 7 facility, including salaries, support, maintenance, and
6 8 miscellaneous purposes:
6 9 \$ 26,315,943

6 10 10. For reimbursement of counties for temporary
6 11 confinement of work release and parole violators, as provided
6 12 in sections 901.7, 904.908, and 906.17 and for offenders
6 13 confined pursuant to section 904.513:
6 14 \$ 674,954

6 15 11. For federal prison reimbursement, reimbursements for
6 16 out-of-state placements, and miscellaneous contracts:
6 17 \$ 241,293

6 18 12. The department of corrections shall use funds
6 19 allocated in subsections 1 through 11 to continue to contract
6 20 for the services of a Muslim imam.

6 21 13. For general administration, including salaries,
6 22 support, maintenance, employment of an education director to
6 23 administer a centralized education program for the
6 24 correctional system, and miscellaneous purposes:
6 25 \$ 2,829,708

6 26 a. As a condition of receiving the allocation provided in
6 27 this subsection, the department of corrections shall not,
6 28 except as otherwise provided in paragraph "c", enter into a
6 29 new contract, unless the contract is a renewal of an existing
6 30 contract, for the expenditure of moneys in excess of \$100,000
6 31 during the fiscal year beginning July 1, 2005, for the
6 32 privatization of services performed by the department using
6 33 state employees as of July 1, 2005, or for the privatization
6 34 of new services by the department, without prior consultation
6 35 with any applicable state employee organization affected by
7 1 the proposed new contract and prior notification of the
7 2 cochairpersons and ranking members of the joint appropriations
7 3 subcommittee on the justice system.

7 4 b. Each lease negotiated by the department of corrections

7 5 with a private corporation for the purpose of providing
7 6 private industry employment of inmates in a correctional
7 7 institution shall prohibit the private corporation from
7 8 utilizing inmate labor for partisan political purposes for any
7 9 person seeking election to public office in this state and
7 10 that a violation of this requirement shall result in a
7 11 termination of the lease agreement.

7 12 c. As a condition of receiving the allocation provided in
7 13 this subsection, the department of corrections shall not enter
7 14 into a lease or contractual agreement pursuant to section
7 15 904.809 with a private corporation for the use of building
7 16 space for the purpose of providing inmate employment without
7 17 providing that the terms of the lease or contract establish
7 18 safeguards to restrict, to the greatest extent feasible,
7 19 access by inmates working for the private corporation to
7 20 personal identifying information of citizens.

7 21 14. For educational programs for inmates at state penal
7 22 institutions:
7 23 \$ 1,008,358

7 24 Moneys allocated in this subsection shall be used solely
7 25 for the purpose indicated and the moneys shall not be
7 26 transferred for any other purpose. In addition, the
7 27 department shall consult with the community colleges in the
7 28 areas in which the institutions are located to utilize moneys
7 29 allocated in this subsection to fund the high school
7 30 completion, high school equivalency diploma, adult literacy,
7 31 and adult basic education programs in a manner so as to
7 32 maintain these programs at the institutions.

7 33 To maximize the funding for educational programs, the
7 34 department shall establish guidelines and procedures to
7 35 prioritize the availability of educational and vocational
8 1 training for inmates based upon the goal of facilitating an
8 2 inmate's successful release from the correctional institution.

8 3 The director of the department of corrections may transfer
8 4 moneys from Iowa prison industries for use in educational
8 5 programs for inmates.

8 6 Notwithstanding section 8.33, moneys allocated in this
8 7 subsection that remain unobligated or unexpended at the close
8 8 of the fiscal year shall not revert but shall remain available
8 9 for expenditure only for the purpose designated in this
8 10 subsection until the close of the succeeding fiscal year.

8 11 15. For the development of the Iowa corrections offender
8 12 network (ICON) data system:
8 13 \$ 427,700

8 14 a. The department of corrections shall continue to operate
8 15 the correctional farms under the control of the department at
8 16 the same or greater level of participation and involvement as
8 17 existed as of January 1, 2005, shall not enter into any rental
8 18 agreement or contract concerning any farmland under the
8 19 control of the department that is not subject to a rental
8 20 agreement or contract as of January 1, 2005, without prior
8 21 legislative approval, and shall further attempt to provide job
8 22 opportunities at the farms for inmates. The department shall
8 23 attempt to provide job opportunities at the farms for inmates
8 24 by encouraging labor-intensive farming or gardening where
8 25 appropriate, using inmates to grow produce and meat for
8 26 institutional consumption, researching the possibility of
8 27 instituting food canning and cook-and-chill operations, and
8 28 exploring opportunities for organic farming and gardening,
8 29 livestock ventures, horticulture, and specialized crops.

8 30 b. The department shall work to increase produce gardening
8 31 by inmates under the control of the correctional institutions,
8 32 and, if appropriate, may use the central distribution network
8 33 at the Woodward state resource center. The department shall
8 34 file a report with the cochairpersons and ranking members of
8 35 the joint appropriations subcommittee on the justice system by
9 1 December 1, 2005, regarding the feasibility of expanding the
9 2 number of acres devoted to organic gardening and to the
9 3 growing of organic produce for sale.

9 4 c. The department of corrections shall submit a report to
9 5 the general assembly by January 1, 2006, concerning moneys
9 6 recouped from inmate earnings for the reimbursement of
9 7 operational expenses of the applicable facility during the
9 8 fiscal year beginning July 1, 2004, for each correctional
9 9 institution and judicial district department of correctional
9 10 services. In addition, each correctional institution and
9 11 judicial district department of correctional services shall
9 12 continue to submit a report to the legislative services agency
9 13 on a monthly basis concerning moneys recouped from inmate
9 14 earnings pursuant to sections 904.702, 904.809, and 905.14.

9 15 16. For the first judicial district department of

9 16 correctional services, including the treatment and supervision
9 17 of probation and parole violators who have been released from
9 18 the department of corrections violator program, the following
9 19 amount, or so much thereof as is necessary:
9 20 \$ 10,406,624
9 21 17. For the second judicial district department of
9 22 correctional services, including the treatment and supervision
9 23 of probation and parole violators who have been released from
9 24 the department of corrections violator program, the following
9 25 amount, or so much thereof as is necessary:
9 26 \$ 8,017,509
9 27 18. For the third judicial district department of
9 28 correctional services, including the treatment and supervision
9 29 of probation and parole violators who have been released from
9 30 the department of corrections violator program, the following
9 31 amount, or so much thereof as is necessary:
9 32 \$ 4,836,472
9 33 19. For the fourth judicial district department of
9 34 correctional services, including the treatment and supervision
9 35 of probation and parole violators who have been released from
10 1 the department of corrections violator program, the following
10 2 amount, or so much thereof as is necessary:
10 3 \$ 4,305,545
10 4 20. For the fifth judicial district department of
10 5 correctional services, including the treatment and supervision
10 6 of probation and parole violators who have been released from
10 7 the department of corrections violator program, the following
10 8 amount, or so much thereof as is necessary:
10 9 \$ 13,547,738
10 10 21. For the sixth judicial district department of
10 11 correctional services, including the treatment and supervision
10 12 of probation and parole violators who have been released from
10 13 the department of corrections violator program, the following
10 14 amount, or so much thereof as is necessary:
10 15 \$ 10,331,724
10 16 22. For the seventh judicial district department of
10 17 correctional services, including the treatment and supervision
10 18 of probation and parole violators who have been released from
10 19 the department of corrections violator program, the following
10 20 amount, or so much thereof as is necessary:
10 21 \$ 5,787,248
10 22 23. For the eighth judicial district department of
10 23 correctional services, including the treatment and supervision
10 24 of probation and parole violators who have been released from
10 25 the department of corrections violator program, the following
10 26 amount, or so much thereof as is necessary:
10 27 \$ 5,722,888
10 28 24. Each judicial district department of correctional
10 29 services, within the funding available, shall continue
10 30 programs and plans established within that district to provide
10 31 for intensive supervision, sex offender treatment, diversion
10 32 of low-risk offenders to the least restrictive sanction
10 33 available, job development, and expanded use of intermediate
10 34 criminal sanctions.
10 35 25. Each judicial district department of correctional
11 1 services shall provide alternatives to prison consistent with
11 2 chapter 901B. The alternatives to prison shall ensure public
11 3 safety while providing maximum rehabilitation to the offender.
11 4 A judicial district department may also establish a day
11 5 program.
11 6 26. The governor's office of drug control policy shall
11 7 consider federal grants made to the department of corrections
11 8 for the benefit of each of the eight judicial district
11 9 departments of correctional services as local government
11 10 grants, as defined pursuant to federal regulations.
11 11 Sec. 5. INTENT == REPORTS.
11 12 1. The department of corrections shall submit a report on
11 13 inmate labor to the general assembly, to the cochairpersons
11 14 and the ranking members of the joint appropriations
11 15 subcommittee on the justice system, and to the legislative
11 16 services agency by January 15, 2006. The report shall
11 17 specifically address the progress the department has made in
11 18 implementing the requirements of section 904.701, inmate labor
11 19 on capital improvement projects, community work crews, inmate
11 20 produce gardening, and private-sector employment.
11 21 2. The department in cooperation with townships, the Iowa
11 22 cemetery associations, and other nonprofit or governmental
11 23 entities may use inmate labor to restore or preserve rural
11 24 cemeteries and historical landmarks. The department in
11 25 cooperation with the counties may also use inmate labor to
11 26 clean up roads, major water sources, and other water sources

11 27 around the state.
11 28 3. Each month the department shall provide a status report
11 29 regarding private-sector employment to the legislative
11 30 services agency beginning on July 1, 2005. The report shall
11 31 include the number of offenders employed in the private
11 32 sector, the combined number of hours worked by the offenders,
11 33 and the total amount of allowances, and the distribution of
11 34 allowances pursuant to section 904.702, including any moneys
11 35 deposited in the general fund of the state.

12 1 Sec. 6. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
12 2 1. As used in this section, unless the context otherwise
12 3 requires, "state agency" means the government of the state of
12 4 Iowa, including but not limited to all executive branch
12 5 departments, agencies, boards, bureaus, and commissions, the
12 6 judicial branch, the general assembly and all legislative
12 7 agencies, institutions within the purview of the state board
12 8 of regents, and any corporation whose primary function is to
12 9 act as an instrumentality of the state.

12 10 2. State agencies are hereby encouraged to purchase
12 11 products from Iowa state industries, as defined in section
12 12 904.802, when purchases are required and the products are
12 13 available from Iowa state industries. State agencies shall
12 14 obtain bids from Iowa state industries for purchases of office
12 15 furniture exceeding \$5,000 or in accordance with applicable
12 16 administrative rules related to purchases for the agency.

12 17 Sec. 7. STATE PUBLIC DEFENDER. There is appropriated from
12 18 the general fund of the state to the office of the state
12 19 public defender of the department of inspections and appeals
12 20 for the fiscal year beginning July 1, 2005, and ending June
12 21 30, 2006, the following amounts, or so much thereof as is
12 22 necessary, to be allocated as follows for the purposes
12 23 designated:

12 24 1. For salaries, support, maintenance, and miscellaneous
12 25 purposes:
12 26 \$ 18,444,964

12 27 2. For the fees of court-appointed attorneys for indigent
12 28 adults and juveniles, in accordance with section 232.141 and
12 29 chapter 815:
12 30 \$ 21,163,082

12 31 Sec. 8. IOWA LAW ENFORCEMENT ACADEMY.
12 32 1. There is appropriated from the general fund of the
12 33 state to the Iowa law enforcement academy for the fiscal year
12 34 beginning July 1, 2005, and ending June 30, 2006, the
12 35 following amount, or so much thereof as is necessary, to be
13 1 used for the purposes designated:
13 2 For salaries, support, maintenance, miscellaneous purposes,
13 3 including jailer training and technical assistance:
13 4 \$ 1,075,138

13 5 The Iowa law enforcement academy may provide training of
13 6 state and local law enforcement personnel concerning the
13 7 recognition of and response to persons with Alzheimer's
13 8 disease.

13 9 The Iowa law enforcement academy may temporarily exceed and
13 10 draw more than the amount appropriated and incur a negative
13 11 cash balance as long as there are receivables equal to or
13 12 greater than the negative balance and the amount appropriated
13 13 in this subsection is not exceeded at the close of the fiscal
13 14 year.

13 15 2. The Iowa law enforcement academy may select at least
13 16 five automobiles of the department of public safety, division
13 17 of the Iowa state patrol, prior to turning over the
13 18 automobiles to the department of administrative services to be
13 19 disposed of by public auction and the Iowa law enforcement
13 20 academy may exchange any automobile owned by the academy for
13 21 each automobile selected if the selected automobile is used in
13 22 training law enforcement officers at the academy. However,
13 23 any automobile exchanged by the academy shall be substituted
13 24 for the selected vehicle of the department of public safety
13 25 and sold by public auction with the receipts being deposited
13 26 in the depreciation fund to the credit of the department of
13 27 public safety, division of the Iowa state patrol.

13 28 Sec. 9. BOARD OF PAROLE. There is appropriated from the
13 29 general fund of the state to the board of parole for the
13 30 fiscal year beginning July 1, 2005, and ending June 30, 2006,
13 31 the following amount, or so much thereof as is necessary, to
13 32 be used for the purposes designated:
13 33 For salaries, support, maintenance, and miscellaneous
13 34 purposes:
13 35 \$ 1,106,044

14 1 Sec. 10. DEPARTMENT OF PUBLIC DEFENSE. There is
14 2 appropriated from the general fund of the state to the

14 3 department of public defense for the fiscal year beginning
14 4 July 1, 2005, and ending June 30, 2006, the following amounts,
14 5 or so much thereof as is necessary, to be used for the
14 6 purposes designated:

14 7 1. MILITARY DIVISION
14 8 For salaries, support, maintenance, and miscellaneous
14 9 purposes:
14 10 \$ 5,130,040
14 11 If there is a surplus in the general fund of the state for
14 12 the fiscal year ending June 30, 2006, within 60 days after the
14 13 close of the fiscal year, the military division may incur up
14 14 to an additional \$500,000 in expenditures from the surplus
14 15 prior to transfer of the surplus pursuant to section 8.57.

14 16 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
14 17 For salaries, support, maintenance, and miscellaneous
14 18 purposes:
14 19 \$ 1,172,230

14 20 Sec. 11. DEPARTMENT OF PUBLIC SAFETY. There is
14 21 appropriated from the general fund of the state to the
14 22 department of public safety for the fiscal year beginning July
14 23 1, 2005 , and ending June 30, 2006, the following amounts, or
14 24 so much thereof as is necessary, to be used for the purposes
14 25 designated:

14 26 For the department's administrative function, division of
14 27 criminal investigation and bureau of identification, division
14 28 of narcotics enforcement, state fire marshal's office,
14 29 division of the Iowa state patrol, and costs associated with
14 30 training and equipping volunteer fire fighters, to be
14 31 allocated as follows:

14 32 1. For the department's administrative functions,
14 33 including the criminal justice information system:
14 34 \$ 3,520,033

14 35 2. For the division of criminal investigation and bureau
15 1 of identification, including the state's contribution to the
15 2 peace officers' retirement, accident, and disability system
15 3 provided in chapter 97A in the amount of 17 percent of the
15 4 salaries for which the funds are appropriated, to meet federal
15 5 fund matching requirements:
15 6 \$ 15,539,052

15 7 The department of public safety, with the approval of the
15 8 department of management, may employ no more than two special
15 9 agents and four gaming enforcement officers for each
15 10 additional riverboat regulated after July 1, 2005, and one
15 11 special agent for each racing facility which becomes
15 12 operational during the fiscal year which begins July 1, 2005.
15 13 One additional gaming enforcement officer, up to a total of
15 14 four per riverboat, may be employed for each riverboat that
15 15 has extended operations to 24 hours and has not previously
15 16 operated with a 24-hour schedule. Positions authorized in
15 17 this paragraph are in addition to the full-time equivalent
15 18 positions otherwise authorized in this subsection.

15 19 3. a. For the division of narcotics enforcement,
15 20 including the state's contribution to the peace officers'
15 21 retirement, accident, and disability system provided in
15 22 chapter 97A in the amount of 17 percent of the salaries for
15 23 which the funds are appropriated, to meet federal fund
15 24 matching requirements:
15 25 \$ 4,701,141

15 26 b. For the division of narcotics enforcement for
15 27 undercover purchases:
15 28 \$ 123,343

15 29 4. a. For the state fire marshal's office, including the
15 30 state's contribution to the peace officers' retirement,
15 31 accident, and disability system provided in chapter 97A in the
15 32 amount of 17 percent of the salaries for which the funds are
15 33 appropriated:
15 34 \$ 2,181,998

15 35 b. For the state fire marshal's office, for fire
16 1 protection services as provided through the state fire service
16 2 and emergency response council as created in the department:
16 3 \$ 638,021

16 4 5. For the division of the Iowa state patrol of the
16 5 department of public safety, for salaries, support,
16 6 maintenance, workers' compensation costs, and miscellaneous
16 7 purposes, including the state's contribution to the peace
16 8 officers' retirement, accident, and disability system provided
16 9 in chapter 97A in the amount of 17 percent of the salaries for
16 10 which the funds are appropriated:
16 11 \$ 43,901,973

16 12 6. For deposit in the public safety law enforcement sick
16 13 leave benefits fund established under section 80.42, for all

16 14 departmental employees eligible to receive benefits for
16 15 accrued sick leave under the collective bargaining agreement:
16 16 \$ 316,179
16 17 An employee of the department of public safety who retires
16 18 after July 1, 2005, but prior to June 30, 2006, is eligible
16 19 for payment of life or health insurance premiums as provided
16 20 for in the collective bargaining agreement covering the public
16 21 safety bargaining unit at the time of retirement if that
16 22 employee previously served in a position which would have been
16 23 covered by the agreement. The employee shall be given credit
16 24 for the service in that prior position as though it were
16 25 covered by that agreement. The provisions of this subsection
16 26 shall not operate to reduce any retirement benefits an
16 27 employee may have earned under other collective bargaining
16 28 agreements or retirement programs.
16 29 7. For costs associated with the training and equipment
16 30 needs of volunteer fire fighters:

16 31 \$ 699,587
16 32 Notwithstanding section 8.33, moneys allocated in this
16 33 subsection that remain unobligated or unexpended at the close
16 34 of the fiscal year shall not revert but shall remain available
16 35 for expenditure only for the purpose designated in this
17 1 subsection until the close of the succeeding fiscal year.
17 2 Sec. 12. CIVIL RIGHTS COMMISSION. There is appropriated
17 3 from the general fund of the state to the Iowa state civil
17 4 rights commission for the fiscal year beginning July 1, 2005,
17 5 and ending June 30, 2006, the following amount, or so much
17 6 thereof as is necessary, to be used for the purposes
17 7 designated:

17 8 For salaries, support, maintenance, and miscellaneous
17 9 purposes:
17 10 \$ 950,788
17 11 The Iowa state civil rights commission may enter into a
17 12 contract with a nonprofit organization to provide legal
17 13 assistance to resolve civil rights complaints.

17 14 Sec. 13. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
17 15 DIVISION. There is appropriated from the wireless E911
17 16 emergency communications fund to the administrator of the
17 17 homeland security and emergency management division of the
17 18 department of public defense for the fiscal year beginning
17 19 July 1, 2005, and ending June 30, 2006, an amount not
17 20 exceeding two hundred thousand dollars to be used for
17 21 implementation, support, and maintenance of the functions of
17 22 the administrator and program manager under chapter 34A and to
17 23 employ the auditor of the state to perform an annual audit of
17 24 the wireless E911 emergency communications fund.

17 25 Sec. 14. Section 80B.11B, subsection 2, Code 2005, is
17 26 amended to read as follows:

17 27 2. The Iowa law enforcement academy, except as otherwise
17 28 provided in this subsection, may also charge the department of
17 29 natural resources or other agency or department of the state,
17 30 a member of a police force of a city or county, or any
17 31 political subdivision of the state not more than one-half of
17 32 the cost of providing the basic training course which is
17 33 designed to meet the minimum basic training requirements for a
17 34 law enforcement officer. The academy may charge more than
17 35 one-half of the cost of providing the basic training course if
18 1 a majority of the council authorizes charging more than
18 2 one-half of the cost of providing the basic training course.

18 3 All other candidates to the law enforcement academy, including
18 4 a candidate from a tribal government, shall pay the full costs
18 5 of providing the basic training requirements for a law
18 6 enforcement officer.

18 7 Sec. 15. Section 80B.13, Code 2005, is amended by adding
18 8 the following new subsection:

18 9 NEW SUBSECTION. 11. Authorize the academy to charge more
18 10 than one-half the cost of providing the basic training course
18 11 pursuant to section 80B.11B.

18 12 EXPLANATION

18 13 This bill makes appropriations for fiscal year 2005=2006
18 14 from the general fund of the state to the departments of
18 15 justice, corrections, public defense, public safety, Iowa law
18 16 enforcement academy, office of the state public defender, the
18 17 board of parole, and the Iowa state civil rights commission.
18 18 The bill also makes an appropriation for fiscal year 2005=2006
18 19 from the wireless E911 emergency communications fund for
18 20 implementation, support, and maintenance of functions of the
18 21 administrator and program manager.

18 22 The bill permits the Iowa law enforcement academy to
18 23 temporarily exceed and draw more than the amount appropriated
18 24 in this subsection as long as there are receivables equal to

18 25 or greater than the negative balance and the amount
18 26 appropriated in this subsection is not exceeded at the close
18 27 of the fiscal year.
18 28 The bill provides that the Iowa law enforcement academy may
18 29 charge a department of the state, a member of a police force,
18 30 or any political subdivision of the state more than one-half
18 31 of the cost to provide the basic training course for a law
18 32 enforcement officer, provided a majority of the Iowa law
18 33 enforcement council approves such a charge. Current law
18 34 prohibits the Iowa law enforcement academy from charging more
18 35 than one-half of the cost of providing the basic training
19 1 course.
19 2 LSB 1102XG 81
19 3 jm:mg/sh/8.2